

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SOUTHWEST AIRLINES CO.,

Plaintiff,

v.

KIWI.COM, INC. and KIWI.COM

S.R.O.,

Defendants.

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Civil Action No. 3:21-cv-00098-E

**PLAINTIFF SOUTHWEST AIRLINES CO.'S REPLY IN SUPPORT OF ITS
OBJECTIONS TO KIWI'S APPENDIX**

Plaintiff Southwest Airlines Co. ("Southwest") files this Reply in support of its objections to Kiwi's appendix [D.I. 35], as permitted under the Federal Rules. *See* FED. R. EVID. 103(a)(1)(A) ("A party may claim error in a ruling to admit or exclude evidence...[by] timely object[ing] or mov[ing] to strike."). Paragraphs 34-41 of the Weatherall declaration regarding route schedules are inadmissible because they are not based upon personal knowledge and are hearsay on multiple levels. FED. R. EVID. 602; 801-805. Paragraph 68 of the Weatherall declaration regarding lost profits is inadmissible because it is expert opinion testimony that is not supported by a reliable methodology and sufficient disclosures. FED. R. EVID. 701-705. Moreover, the airline industry and legal articles are inadmissible hearsay. FED. R. EVID. 802. For the foregoing reasons, Southwest objects to Exhibit A (paragraphs 34 through 41, and 68), and Exhibits A-6, A-7, C, D, E, and F, and requests they not be admitted or considered as evidence for purposes of the motion.

Date: May 17, 2021

Respectfully submitted,

By: /s/ Michael C. Wilson

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on a true and correct copy of the foregoing document has been served on all counsel of record via the Court's electronic filing system, pursuant to the Federal Rules of Civil Procedure, on May 17, 2021.

/s/ Michael C. Wilson

Michael C. Wilson

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